



# *COMMONWEALTH of VIRGINIA*

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### **EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 18, 2010**

#### **MINUTE NO. 7 – Urbanna Creek Exceptional State Waters designation**

Alan Pollock, Manager of the Office of Water Quality Programs, reviewed the activities that had occurred since the Board received the petition at their July 23, 2009 meeting requesting designation of Urbanna Creek as an Exceptional State Water. Mr. Pollock reviewed the agency guidance regarding the eligibility criteria for waterbodies to qualify as Exceptional State Waters. He then provided a summary of the required staff site visit along with some images of Urbanna Creek.

During the site visit staff verified that Urbanna Creek is an attractive waterbody. As it flows through Middlesex County and along the Town of Urbanna, the creek presents a pleasant environment. However, the question before the Board is whether the creek meets the criteria to be designated exceptional. The staff conclusion is the creek does not meet the primary eligibility criteria of possessing an exceptional environmental setting, based on these reasons:

- Natural features of the basin do not significantly contribute to the overall appearance of Urbanna Creek.
- It is comparable in appearance to many of the small coastal streams of the lower Rappahannock River tidal estuary.
- The creek is not a national wild and scenic river nor is it an integral component of any federal or state park, wildlife refuge, or wildlife management area.
- The creek and its environs are not remote or undeveloped but rather characterized as a suburban/urban, developing area.
- Access to the entirety of the tidal portion of the creek is readily available to motorized boats and jet skis.

Mr. Pollock provided visual examples of existing Exceptional State Waters and explained that candidate waters must exhibit outstanding settings without undue anthropogenic impacts and/or are located in remote areas and/or are part of a public protected area.

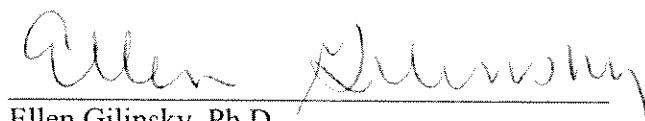
He also informed the Board that Urbanna Creek is listed as impaired for the shellfish consumption use and is also listed as impaired for the aquatic life use due to low dissolved oxygen and not meeting Chesapeake Bay shallow water submerged aquatic vegetation (SAV) uses.

Mr. Pollock summarized the comment received from potentially impacted localities and riparian landowners. Eight citizen comments supported the nomination, and two opposed. Neither Middlesex County nor the Town of Urbanna submitted comment.

Chairman Miles asked whether the shellfish impairment is due to an administrative closure by the Virginia Department of Health or whether the impairment is due to actual water quality data. Mr. Pollock affirmed the impairment is a result of water quality data exceeding the bacteria criteria and that a Total Maximum Daily Load for bacteria was completed for the creek in 2005.

#### **Board Decision**

Based on the briefing materials and the staff presentation, the Board, by unanimous vote, decided not to initiate a rulemaking to designate Urbanna Creek as an Exceptional State Water.

  
Ellen Gilinsky, Ph.D.  
**Director, Division of Water Quality Programs**